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S/1999/647
6 June 1999

ORIGINAL: ENGLISH

LETTER DATED 5 JUNE 1999 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward, enclosed herewith, the statement issued on 3 June 1999 by the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, relative to initiatives of some governmental and non-governmental organizations to airdrop humanitarian aid to Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia (see annex).

I should be grateful if you would have the present letter and its annex distributed as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-16777 (E) 070699

/...

Annex

Statement issued at Belgrade on 3 June 1999
by the Federal Ministry of Foreign Affairs
of the Federal Republic of Yugoslavia

The Federal Republic of Yugoslavia is categorically opposed to initiatives by some foreign governmental and non-governmental organizations to airdrop humanitarian relief to the inhabitants of Kosovo and Metohija. This form of providing aid is fraught with great risks and could lead to undesired consequences.

There is no need for this form of relief considering that there exist no obstacles to sending humanitarian dispatches over customary, safer land routes to all parts of the country and to distribute them to those who are most in need.

The Federal Republic of Yugoslavia is open to accepting humanitarian aid from all countries of the world. However, it would have to be dispatched on the basis of cooperation with competent Yugoslav organs and institutions, with their full agreement and insight.

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LETTER DATED 4 JUNE 1999 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to bring to your attention, on behalf of the two co-chairmen of the Rambouillet Conference, France and the United Kingdom, the Rambouillet Accords: Interim Agreement for Peace and Self-Government in Kosovo (see annex).

I should be grateful if you would distribute the text of this letter and its annex as a document of the Security Council.

(Signed) Alain DEJAMMET
Ambassador
Permanent Representative

99-16881 (E) 080699 100699

/...

Annex

Rambouillet Accords

Interim Agreement for Peace and Self-Government in Kosovo

Interim Agreement for Peace and Self-Government in Kosovo

The Parties to the present Agreement,

Convinced of the need for a peaceful and political solution in Kosovo as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in Kosovo,

Reaffirming their commitment to the Purposes and Principles of the United Nations, as well as to OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic elements/principles adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,

Recognizing the need for democratic self-government in Kosovo, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in Kosovo, as well as the rights of the members of all national communities,

Recognizing the ongoing contribution of the OSCE to peace and stability in Kosovo,

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

Framework

Article I: Principles

1. All citizens in Kosovo shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.

2. National communities and their members shall have additional rights specified in Chapter 1. Kosovo, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosovo.

3. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

4. Citizens in Kosovo shall have the right to democratic self-government through legislative, executive, judicial, and other institutions established in accordance with this Agreement. They shall have the opportunity to be represented in all institutions in Kosovo. The right to democratic self-government shall include the right to participate in free and fair elections.

5. Every person in Kosovo may have access to international institutions for the protection of their rights in accordance with the procedures of such institutions.

6. The Parties accept that they will act only within their powers and responsibilities in Kosovo as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void. Kosovo shall have all rights and powers set forth herein, including in particular as specified in the Constitution at Chapter 1. This Agreement shall prevail over any other legal provisions of the Parties and shall be directly

applicable. The Parties shall harmonize their governing practices and documents with this Agreement.

7. The Parties agree to cooperate fully with all international organizations working in Kosovo on the implementation of this Agreement.

Article II: Confidence-Building Measures

End of Use of Force

1. Use of force in Kosovo shall cease immediately. In accordance with this Agreement, alleged violations of the cease-fire shall be reported to international observers and shall not be used to justify use of force in response.

2. The status of police and security forces in Kosovo, including withdrawal of forces, shall be governed by the terms of this Agreement. Paramilitary and irregular forces in Kosovo are incompatible with the terms of this Agreement.

Return

3. The Parties recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of persons, including issuing necessary documents. All persons shall have the right to reoccupy their real property, assert their occupancy rights in state-owned property, and recover their other property and personal possessions. The Parties shall take all measures necessary to readmit returning persons to Kosovo.

4. The Parties shall cooperate fully with all efforts by the United Nations High Commissioner for Refugees (UNHCR) and other international and non-governmental organizations concerning the repatriation and return of persons, including those organizations' monitoring of the treatment of persons following their return.

Access for International Assistance

5. There shall be no impediments to the normal flow of goods into Kosovo, including materials for the reconstruction of homes and structures. The Federal Republic of Yugoslavia shall not require visas, customs, or licensing for persons or things for the Implementation Mission (IM), the UNHCR, and other international organizations, as well as for non-governmental organizations working in Kosovo as determined by the Chief of the Implementation Mission (CIM).

6. All staff, whether national or international, working with international or non-governmental organizations including with the Yugoslav Red Cross, shall be allowed unrestricted access to the Kosovo population for purposes of international assistance. All persons in Kosovo shall similarly have safe, unhindered, and direct access to the staff of such organizations.

Other Issues

7. Federal organs shall not take any decisions that have a differential, disproportionate, injurious, or discriminatory effect on Kosovo. Such decisions, if any, shall be void with regard to Kosovo.

8. Martial law shall not be declared in Kosovo.

9. The Parties shall immediately comply with all requests for support from the Implementation Mission (IM). The IM shall have its own broadcast frequencies for radio and television programming in Kosovo. The Federal Republic of Yugoslavia shall provide all necessary facilities, including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid in Kosovo.

Detention of Combatants and Justice Issues

10. All abducted persons or other persons held without charge shall be released. The Parties shall also release and transfer in accordance with this Agreement all persons held in connection with the conflict. The Parties shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work in accordance with its mandate, including ensuring full access to all such persons, irrespective of their

status, wherever they might be held, for visits in accordance with the ICRC's standard operating procedures.

11. The Parties shall provide information, through tracing mechanisms of the ICRC, to families of all persons who are unaccounted for. The Parties shall cooperate fully with the ICRC and the International Commission on Missing Persons in their efforts to determine the identity, whereabouts, and fate of those unaccounted for.

12. Each Party:

(a) shall not prosecute anyone for crimes related to the conflict in Kosovo, except for persons accused of having committed serious violations of international humanitarian law. In order to facilitate transparency, the Parties shall grant access to foreign experts (including forensics experts) along with state investigators;

(b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosovo. This amnesty shall not apply to those properly convicted of committing serious violations of international humanitarian law at a fair and open trial conducted pursuant to international standards.

13. All Parties shall comply with their obligation to cooperate in the investigation and prosecution of serious violations of international humanitarian law.

(a) As required by United Nations Security Council resolution 827 (1993) and subsequent resolutions, the Parties shall fully cooperate with the International Criminal Tribunal for the Former Yugoslavia in its investigations and prosecutions, including complying with its requests for assistance and its orders.

(b) The Parties shall also allow complete, unimpeded, and unfettered access to international experts - including forensics experts and investigators - to

investigate allegations of serious violations of international humanitarian law.

Independent Media

14. Recognizing the importance of free and independent media for the development of a democratic political climate necessary for the reconstruction and development of Kosovo, the Parties shall ensure the widest possible press freedoms in Kosovo in all media, public and private, including print, television, radio, and Internet.

Chapter 1

Constitution

Affirming their belief in a peaceful society, justice, tolerance, and reconciliation,

Resolved to ensure respect for human rights and the equality of all citizens and national communities,

Recognizing that the preservation and promotion of the national, cultural, and linguistic identity of each national community in Kosovo are necessary for the harmonious development of a peaceful society,

Desiring through this interim Constitution to establish institutions of democratic self-government in Kosovo grounded in respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and from this Agreement, from which the authorities of governance set forth herein originate,

Recognizing that the institutions of Kosovo should fairly represent the national communities in Kosovo and foster the exercise of their rights and those of their members,

Recalling and endorsing the principles/basic elements adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,

Article I: Principles of Democratic Self-Government in Kosovo

1. Kosovo shall govern itself democratically through the legislative, executive, judicial, and other organs and institutions specified herein. Organs and institutions of Kosovo shall exercise their authorities consistent with the terms of this Agreement.

2. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

3. The Federal Republic of Yugoslavia has competence in Kosovo over the following areas, except as specified elsewhere in this Agreement: (a) territorial integrity, (b) maintaining a common market within the Federal Republic of Yugoslavia, which power shall be exercised in a manner that does not discriminate against Kosovo, (c) monetary policy, (d) defense, (e) foreign policy, (f) customs services, (g) federal taxation, (h) federal elections, and (i) other areas specified in this Agreement.

4. The Republic of Serbia shall have competence in Kosovo as specified in this Agreement, including in relation to Republic elections.

5. Citizens in Kosovo may continue to participate in areas in which the Federal Republic of Yugoslavia and the Republic of Serbia have competence through their representation in relevant institutions, without prejudice to the exercise of competence by Kosovo authorities set forth in this Agreement.

6. With respect to Kosovo:

   (a) There shall be no changes to the borders of Kosovo;

   (b) Deployment and use of police and security forces shall be governed by Chapters 2 and 7 of this Agreement; and

   (c) Kosovo shall have authority to conduct foreign relations within its areas of responsibility equivalent to the power provided to Republics under Article 7 of the Constitution of the Federal Republic of Yugoslavia.

7. There shall be no interference with the right of citizens and national communities in Kosovo to call upon appropriate institutions of the Republic of Serbia for the following purposes:

   (a) assistance in designing school curricula and standards;

(b) participation in social benefits programs, such as care for war veterans, pensioners, and disabled persons; and

(c) other voluntarily received services, provided that these services are not related to police and security matters governed by Chapters 2 and 7 of this Agreement, and that any Republic personnel serving in Kosovo pursuant to this paragraph shall be unarmed service providers acting at the invitation of a national community in Kosovo.

The Republic shall have the authority to levy taxes or charges on those citizens requesting services pursuant to this paragraph, as necessary to support the provision of such services.

8. The basic territorial unit of local self-government in Kosovo shall be the commune. All responsibilities in Kosovo not expressly assigned elsewhere shall be the responsibility of the communes.

9. To preserve and promote democratic self-government in Kosovo, all candidates for appointed, elective, or other public office, and all office holders, shall meet the following criteria:

(a) No person who is serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any office; and

(b) All candidates and office holders shall renounce violence as a mechanism for achieving political goals; past political or resistance activities shall not be a bar to holding office in Kosovo.

Article II: The Assembly

General

1. Kosovo shall have an Assembly, which shall be comprised of 120 Members.

(a) Eighty Members shall be directly elected.

(b) A further 40 Members shall be elected by the members of qualifying national communities.

(i) Communities whose members constitute more than 0.5 per cent of the Kosovo population but less than 5 per cent shall have ten of these seats, to be divided among them in accordance with their proportion of the overall population.

(ii) Communities whose members constitute more than 5 per cent of the Kosovo population shall divide the remaining thirty seats equally. The Serb and Albanian national communities shall be presumed to meet the 5 per cent population threshold.

Other Provisions

2. Elections for all Members shall be conducted democratically, consistent with the provisions of Chapter 3 of this Agreement. Members shall be elected for a term of three years.

3. Allocation of seats in the Assembly shall be based on data gathered in the census referred to in Chapter 5 of this Agreement. Prior to the completion of the census, for purposes of this Article declarations of national community membership made during voter registration shall be used to determine the percentage of the Kosovo population that each national community represents.

4. Members of the Assembly shall be immune from all civil or criminal proceedings on the basis of words expressed or other acts performed in their capacity as Members of the Assembly.

Powers of the Assembly

5. The Assembly shall be responsible for enacting laws of Kosovo, including in political, security, economic, social, educational, scientific, and cultural areas as set out below and elsewhere in this Agreement. This

Constitution and the laws of the Kosovo Assembly shall not be subject to change or modification by authorities of the Republics or the Federation.

(a) The Assembly shall be responsible for:

(i) Financing activities of Kosovo institutions, including by levying taxes and duties on sources within Kosovo;

(ii) Adopting budgets of the Administrative organs and other institutions of Kosovo, with the exception of communal and national community institutions unless otherwise specified herein;

(iii) Adopting regulations concerning the organization and procedures of the Administrative Organs of Kosovo;

(iv) Approving the list of Ministers of the Government, including the Prime Minister;

(v) Coordinating educational arrangements in Kosovo, with respect for the authorities of national communities and Communes;

(vi) Electing candidates for judicial office put forward by the President of Kosovo;

(vii) Enacting laws ensuring free movement of goods, services, and persons in Kosovo consistent with this Agreement;

(viii) Approving agreements concluded by the President within the areas of responsibility of Kosovo;

(ix) Cooperating with the Federal Assembly, and with the Assemblies of the Republics, and conducting relations with foreign legislative bodies;

(x) Establishing a framework for local self-government;

(xi) Enacting laws concerning inter-communal issues and relations between national communities, when necessary;

(xii) Enacting laws regulating the work of medical institutions and hospitals;

(xiii) Protecting the environment, where inter-communal issues are involved;

(xiv) Adopting programs of economic, scientific, technological, demographic, regional, and social development, as well as urban planning;

(xv) Adopting programs for the development of agriculture and of rural areas;

(xvi) Regulating elections consistent with Chapters 3 and 5;

(xvii) Regulating Kosovo-owned property; and

(xviii) Regulating land registries.

(b) The Assembly shall also have authority to enact laws in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes. In the absence of a law enacted by the Assembly under this subparagraph that preempts communal action, the Communes shall retain their authority.

Procedure

6. Laws and other decisions of the Assembly shall be adopted by majority of Members present and voting.

7. A majority of the Members of a single national community elected to the Assembly pursuant to paragraph 1(b) may adopt a motion that a law or other decision adversely affects the vital interests of their national community. The challenged law or decision shall be suspended with regard to that

national community until the dispute settlement procedure in paragraph 8 is completed.

8. The following procedure shall be used in the event of a motion under paragraph 7:

(a) The Members making the vital interest motion shall give reasons for their motion. The proposers of the legislation shall be given an opportunity to respond.

(b) The Members making the motion shall appoint within one day a mediator of their choice to assist in reaching an agreement with those proposing the legislation.

(c) If mediation does not produce an agreement within seven days, the matter may be submitted for a binding ruling. The decision shall be rendered by a panel comprising three Members of the Assembly: one Albanian and one Serb, each appointed by his or her national community delegation; and a third Member, who will be of a third nationality and will be selected within two days by consensus of the Presidency of the Assembly.

(i) A vital interest motion shall be upheld if the legislation challenged adversely affects the community's fundamental constitutional rights, additional rights as set forth in Article VII, or the principle of fair treatment.

(ii) If the motion is not upheld, the challenged legislation shall enter into force for that community.

(d) Paragraph (c) shall not apply to the selection of Assembly officials.

(e) The Assembly may exclude other decisions from this procedure by means of a law enacted by a majority that includes a majority of each national community elected pursuant to paragraph 1(b).

9. A majority of the Members shall constitute a quorum. The Assembly shall otherwise decide its own rules of procedure.

Leadership

10. The Assembly shall elect from among its Members a Presidency, which shall consist of a President, two Vice-Presidents, and other leaders in accordance with the Assembly's rules of procedure. Each national community meeting the threshold specified in paragraph 1(b)(ii) shall be represented in the leadership. The President of the Assembly shall not be from the same national community as the President of Kosovo.

11. The President of the Assembly shall represent it, call its sessions to order, chair its meetings, coordinate the work of any committees it may establish, and perform other tasks prescribed by the rules of procedure of the Assembly.

Article III: President of Kosovo

1. There shall be a President of Kosovo, who shall be elected by the Assembly by vote of a majority of its Members. The President of Kosovo shall serve for a three-year term. No person may serve more than two terms as President of Kosovo.

2. The President of Kosovo shall be responsible for:

   (i) Representing Kosovo, including before any international or Federal body or any body of the Republics;

   (ii) Proposing to the Assembly candidates for Prime Minister, the Constitutional Court, the Supreme Court, and other Kosovo judicial offices;

   (iii) Meeting regularly with the democratically elected representatives of the national communities;

   (iv) Conducting foreign relations and concluding agreements within this power consistent with the authorities of Kosovo institutions under this

Agreement. Such agreements shall only enter into force upon approval by the Assembly;

(v) Designating a representative to serve on the Joint Commission established by Article I.2 of Chapter 5 of this Agreement;

(vi) Meeting regularly with the Federal and Republic Presidents; and

(vii) Other functions specified herein or by law.

Article IV: Government and Administrative Organs

1. Executive power shall be exercised by the Government. The Government shall be responsible for implementing the laws of Kosovo, and of other government authorities when such responsibilities are devolved by those authorities. The Government shall also have competence to propose laws to the Assembly.

(a) The Government shall consist of a Prime Minister and Ministers, including at least one person from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II. Ministers shall head the Administrative Organs of Kosovo.

(b) The candidate for Prime Minister proposed by the President shall put forward a list of Ministers to the Assembly. The Prime Minister, together with the list of Ministers, shall be approved by a majority of those present and voting in the Assembly. In the event that the Prime Minister is not able to obtain a majority for the Government, the President shall propose a new candidate for Prime Minister within ten days.

(c) The Government shall resign if a no confidence motion is adopted by a vote of a majority of the members of the Assembly. If the Prime Minister or the Government resigns, the President shall select a new candidate for Prime Minister who shall seek to form a Government.

(d) The Prime Minister shall call meetings of the Government, represent it as appropriate, and

coordinate its work. Decisions of the Government shall require a majority of Ministers present and voting. The Prime Minister shall cast the deciding vote in the event Ministers are equally divided. The Government shall otherwise decide its own rules of procedure.

2. Administrative Organs shall be responsible for assisting the Government in carrying out its duties.

   (a) National communities shall be fairly represented at all levels in the Administrative Organs.

   (b) Any citizen in Kosovo claiming to have been directly and adversely affected by the decision of an executive or administrative body shall have the right to judicial review of the legality of that decision after exhausting all avenues for administrative review. The Assembly shall enact a law to regulate this review.

3. There shall be a Chief Prosecutor who shall be responsible for prosecuting individuals who violate the criminal laws of Kosovo. He shall head an Office of the Prosecutor, which shall at all levels have staff representative of the population of Kosovo.

Article V: Judiciary

General

1. Kosovo shall have a Constitutional Court, a Supreme Court, District Courts, and Communal Courts.

2. The Kosovo courts shall have jurisdiction over all matters arising under this Constitution or the laws of Kosovo except as specified in paragraph 3. The Kosovo courts shall also have jurisdiction over questions of federal law, subject to appeal to the Federal courts on these questions after all appeals available under the Kosovo system have been exhausted.

3. Citizens in Kosovo may opt to have civil disputes to which they are party adjudicated by other courts in the Federal Republic of Yugoslavia, which shall apply the law applicable in Kosovo.

4. The following rules will apply to criminal cases:

(a) At the start of criminal proceedings, the defendant is entitled to have his or her trial transferred to another Kosovo court that he or she designates.

(b) In criminal cases in which all defendants and victims are members of the same national community, all members of the judicial council will be from a national community of their choice if any party so requests.

(c) A defendant in a criminal case tried in Kosovo courts is entitled to have at least one member of the judicial council hearing the case to be from his or her national community. Kosovo authorities will consider and allow judges of other courts in the Federal Republic of Yugoslavia to serve as Kosovo judges for these purposes.

Constitutional Court

5. The Constitutional Court shall consist of nine judges. There shall be at least one Constitutional Court judge from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II. Until such time as the Parties agree to discontinue this arrangement, 5 judges of the Constitutional Court shall be selected from a list drawn up by the President of the European Court of Human Rights.

6. The Constitutional Court shall have authority to resolve disputes relating to the meaning of this Constitution. That authority shall include, but is not limited to, determining whether laws applicable in Kosovo, decisions or acts of the President, the Assembly, the Government, the Communes, and the national communities are compatible with this Constitution.

(a) Matters may be referred to the Constitutional Court by the President of Kosovo, the President or Vice-Presidents of the Assembly, the Ombudsman, the communal assemblies and councils, and any

national community acting according to its democratic procedures.

(b) Any court which finds in the course of adjudicating a matter that the dispute depends on the answer to a question within the Constitutional Court's jurisdiction shall refer the issue to the Constitutional Court for a preliminary decision.

7. Following the exhaustion of other legal remedies, the Constitutional Court shall at the request of any person claiming to be a victim have jurisdiction over complaints that human rights and fundamental freedoms and the rights of members of national communities set forth in this Constitution have been violated by a public authority.

8. The Constitutional Court shall have such other jurisdiction as may be specified elsewhere in this Agreement or by law.

Supreme Court

9. The Supreme Court shall consist of nine judges. There shall be at least one Supreme Court judge from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II.

10. The Supreme Court shall hear appeals from the District Courts and the Communal Courts. Except as otherwise provided in this Constitution, the Supreme Court shall be the court of final appeal for all cases arising under law applicable in Kosovo. Its decisions shall be recognized and executed by all authorities in the Federal Republic of Yugoslavia.

Functioning of the Courts

11. The Assembly shall determine the number of District and Communal Court judges necessary to meet current needs.

12. Judges of all courts in Kosovo shall be distinguished jurists of the highest moral character. They shall be broadly representative of the national communities of Kosovo.

13. Removal of a Kosovo judge shall require the consensus of the judges of the Constitutional Court. A Constitutional Court judge whose removal is in question shall not participate in the decision on his case.

14. The Constitutional Court shall adopt rules for itself and for other courts in Kosovo. The Constitutional and Supreme Courts shall each adopt decisions by majority vote of their members.

15. Except as otherwise specified in their rules, all Kosovo courts shall hold public proceedings. They shall issue published opinions setting forth the reasons for their decisions.

Article VI: Human Rights and Fundamental Freedoms

1. All authorities in Kosovo shall ensure internationally recognized human rights and fundamental freedoms.

2. The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Kosovo. Other internationally recognized human rights instruments enacted into law by the Kosovo Assembly shall also apply. These rights and freedoms shall have priority over all other law.

3. All courts, agencies, governmental institutions, and other public institutions of Kosovo or operating in relation to Kosovo shall conform to these human rights and fundamental freedoms.

Article VII: National Communities

1. National communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms.

2. Each national community may elect, through democratic means and in a manner consistent with the principles of

Chapter 3 of this Agreement, institutions to administer its affairs in Kosovo.

3. The national communities shall be subject to the laws applicable in Kosovo, provided that any act or decision concerning national communities must be non-discriminatory. The Assembly shall decide upon a procedure for resolving disputes between national communities.

4. The additional rights of the national communities, acting through their democratically elected institutions, are to:

(a) preserve and protect their national, cultural, religious, and linguistic identities, including by:

(i) inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Albanian and Serbian, consistent with decisions about style made by the communal institutions;

(ii) providing information in the language and alphabet of the national community;

(iii) providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance; curricula shall reflect a spirit of tolerance between national communities and respect for the rights of members of all national communities in accordance with international standards;

(iv) enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad;

(v) using and displaying national symbols, including symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;

(vi) protecting national traditions on family law by, if the community decides, arranging rules in the field of inheritance; family and matrimonial relations; tutorship; and adoption;

(vii) the preservation of sites of religious, historical, or cultural importance to the national community in cooperation with other authorities;

(viii) implementing public health and social services on a non-discriminatory basis as to citizens and national communities;

(ix) operating religious institutions in cooperation with religious authorities; and

(x) participating in regional and international non-governmental organizations in accordance with procedures of these organizations;

(b) be guaranteed access to, and representation in, public broadcast media, including provisions for separate programming in relevant languages under the direction of those nominated by the respective national community on a fair and equitable basis; and

(c) finance their activities by collecting contributions the national communities may decide to levy on members of their own communities.

5. Members of national communities shall also be individually guaranteed:

(a) the right to enjoy unhindered contacts with members of their respective national communities elsewhere in the Federal Republic of Yugoslavia and abroad;

(b) equal access to employment in public services at all levels;

(c) the right to use their languages and alphabets;

(d) the right to use and display national community symbols;

(e) the right to participate in democratic institutions that will determine the national community's exercise of the collective rights set forth in this Article; and

(f) the right to establish cultural and religious associations, for which relevant authorities will provide financial assistance.

6. Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the Republics, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.

7. Every person shall have the right freely to choose to be treated or not to be treated as belonging to a national community, and no disadvantage shall result from that choice or from the exercise of the rights connected to that choice.

Article VIII: Communes

1. Kosovo shall have the existing communes. Changes may be made to communal boundaries by act of the Kosovo Assembly after consultation with the authorities of the communes concerned.

2. Communes may develop relationships among themselves for their mutual benefit.

3. Each commune shall have an Assembly, an Executive Council, and such administrative bodies as the commune may establish.

(a) Each national community whose membership constitutes at least three percent of the population of the commune shall be represented on the Council in proportion to its share of the communal population or by one member, whichever is greater.

(b) Prior to the completion of a census, disputes over communal population percentages for purposes of this paragraph shall be resolved by reference to declarations of national community membership in the voter registry.

4. The communes shall have responsibility for:

(a) law enforcement, as specified in Chapter 2 of this Agreement;

(b) regulating and, when appropriate, providing child care;

(c) providing education, consistent with the rights and duties of national communities, and in a spirit of tolerance between national communities and respect for the rights of the members of all national communities in accordance with international standards;

(d) protecting the communal environment;

(e) regulating commerce and privately-owned stores;

(f) regulating hunting and fishing;

(g) planning and carrying out public works of communal importance, including roads and water supplies, and participating in the planning and carrying out of Kosovo-wide public works projects in coordination with other communes and Kosovo authorities;

(h) regulating land use, town planning, building regulations, and housing construction;

(i) developing programs for tourism, the hotel industry, catering, and sport;

(j) organizing fairs and local markets;

(k) organizing public services of communal importance, including fire, emergency response, and police consistent with Chapter 2 of this Agreement; and

(l) financing the work of communal institutions, including raising revenues, taxes, and preparing budgets.

5. The communes shall also have responsibility for all other areas within Kosovo's authority not expressly assigned elsewhere herein, subject to the provisions of Article II.5(b) of this Constitution.

6. Each commune shall conduct its business in public and shall maintain publicly available records of its deliberations and decisions.

Article IX: Representation

1. Citizens in Kosovo shall have the right to participate in the election of:

(a) At least 10 deputies in the House of Citizens of the Federal Assembly; and

(b) At least 20 deputies in the National Assembly of the Republic of Serbia.

2. The modalities of elections for the deputies specified in paragraph 1 shall be determined by the Federal Republic of Yugoslavia and the Republic of Serbia respectively, under procedures to be agreed with the Chief of the Implementation Mission.

3. The Assembly shall have the opportunity to present to the appropriate authorities a list of candidates from which shall be drawn:

(a) At least one citizen in Kosovo to serve in the Federal Government, and at least one citizen in Kosovo to serve in the Government of the Republic of Serbia; and

(b) At least one judge on the Federal Constitutional Court, one judge on the Federal Court, and three judges on the Supreme Court of Serbia.

Article X: Amendment

1. The Assembly may by a majority of two-thirds of its Members, which majority must include a majority of the Members elected from each national community pursuant to Article II.1(b)(ii), adopt amendments to this Constitution.

2. There shall, however, be no amendments to Article I.3-8 or to this Article, nor shall any amendment diminish the rights granted by Articles VI and VII.

Article XI: Entry into Force

This Constitution shall enter into force upon signature of this Agreement.

Chapter 2

Police and Civil Public Security

Article I: General Principles

1. All law enforcement agencies, organizations and personnel of the Parties, which for purposes of this Chapter will include customs and border police operating in Kosovo, shall act in compliance with this Agreement and shall observe internationally recognized standards of human rights and due process. In exercising their functions, law enforcement personnel shall not discriminate on any ground, such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national community, property, birth or other status.

2. The Parties invite the Organization for Security and Cooperation in Europe (OSCE) through its Implementation Mission (IM) to monitor and supervise implementation of this Chapter and related provisions of this Agreement. The Chief of the Implementation Mission (CIM) or his designee shall have the authority to issue binding directives to the Parties and subsidiary bodies on police and civil public security matters to obtain compliance by the Parties with the terms of this Chapter. The Parties agree to cooperate fully with the IM and to comply with its directives. Personnel assigned to police-related duties within the IM shall be permitted to wear a uniform while serving in this part of the mission.

3. In carrying out his responsibilities, the CIM will inform and consult KFOR as appropriate.

4. The IM shall have the authority to:

   (a) Monitor, observe, and inspect law enforcement activities, personnel, and facilities, including border police and customs units, as well as associated judicial organizations, structures, and proceedings;

(b) Advise law enforcement personnel and forces, including border police and customs units, and, when necessary to bring them into compliance with this Agreement, including this Chapter, issue appropriate binding directions in coordination with KFOR;

(c) Participate in and guide the training of law enforcement personnel;

(d) In coordination with KFOR, assess threats to public order;

(e) Advise and provide guidance to governmental authorities on how to deal with threats to public order and on the organization of effective civilian law enforcement agencies;

(f) Accompany the Parties' law enforcement personnel as they carry out their responsibilities, as the IM deems appropriate;

(g) Dismiss or discipline public security personnel of the Parties for cause; and

(h) Request appropriate law enforcement support from the international community to enable IM to carry out the duties assigned in this Chapter.

5. All Kosovo, Republic and Federal law enforcement and Federal military authorities shall be obligated, in their respective areas of authority, to ensure freedom of movement and safe passage for all persons, vehicles and goods. This obligation includes a duty to permit the unobstructed passage into Kosovo of police equipment which has been approved by the CIM and COMKFOR for use by Kosovo police, and of any other support provided under subparagraph 4(h) above.

6. The Parties undertake to provide one another mutual assistance, when requested, in the surrender of those accused of committing criminal acts within a Party's jurisdiction, and in the investigation and prosecution of offenses across the boundary of Kosovo with other parts of the FRY. The Parties shall develop agreed procedures

and mechanisms for responding to these requests. The CIM or his designee shall resolve disputes on these matters.

7. The IM shall aim to transfer law enforcement responsibilities described in Article II below to the law enforcement officials and organizations described in Article II at the earliest practical time consistent with civil public security.

Article II: Communal Police

1. As they build up, communal police units, organized and stationed at the communal and municipal levels, shall assume primary responsibility for law enforcement in Kosovo. The specific responsibilities of the communal police will include police patrols and crime prevention, criminal investigations, arrest and detention of criminal suspects, crowd control, and traffic control.

2. Number and Composition. The total number of communal police established by this Agreement operating within Kosovo shall not exceed 3,000 active duty law enforcement officers. However, the CIM shall have the authority to increase or decrease this personnel ceiling if he determines such action is necessary to meet operational needs. Prior to taking any such action, the CIM shall consult with the Criminal Justice Administration and other officials as appropriate. The national communities in each commune shall be fairly represented in the communal police unit.

3. Criminal Justice Administration.

   a. A Criminal Justice Administration (CJA) shall be established. It shall be an Administrative Organ of Kosovo, reporting to an appropriate member of the Government of Kosovo as determined by the Government. The CJA shall provide general coordination of law enforcement operations in Kosovo. Specific functions of the CJA shall include general supervision over, and providing guidance to, communal police forces through their commanders, assisting in the coordination between separate communal police forces, and oversight of the operations of the police academy. In carrying out these responsibilities, the CJA may issue

directives, which shall be binding on communal police commanders and personnel. In the exercise of its functions, the CJA shall be subject to any directions given by CIM.

b. Within twelve months of the establishment of the CJA, the CJA shall submit for review by the CIM a plan for the coordination and development of law enforcement bodies and personnel in Kosovo within its jurisdiction. This plan shall serve as the framework for law enforcement coordination and development in Kosovo and be subject to modification by the CIM.

c. The IM will endeavor to develop the capacities of the CJA as quickly as possible. Prior to the point when the CJA is able to properly carry out the functions described in the preceding paragraph, as determined by the CIM, the IM shall carry out these functions.

4. Communal Commanders. Subject to review by the CIM, each commune will appoint, and may remove for cause, by majority vote of the communal council, a communal police commander with responsibility for police operations within the commune.

5. Service in Police.

(a) Recruitment for public security personnel will be conducted primarily at the local level. Local and communal governments, upon consultation with communal Criminal Justice Commissions, will nominate officer candidates to attend the Kosovo Police Academy. Offers of employment will be made by communal police commanders, with the concurrence of the academy director, only after the candidate has successfully completed the academy basic recruit course.

(b) Recruitment, selection and training of communal police officers shall be conducted under the direction of the IM during the period of its operation.

(c) There shall be no bar to service in the communal police based on prior political activities. Members of the police shall not, however, be permitted while they hold this public office to participate in party

political activities other than membership in such a party.

(d) Continued service in the police is dependent upon behavior consistent with the terms of this Agreement, including this Chapter. The IM shall supervise regular reviews of officer performance, which shall be conducted in accordance with international due process norms.

6. Uniforms and Equipment.

(a) All communal police officers, with the exception of officers participating in crowd control functions, shall wear a standard uniform. Uniforms shall include a badge, picture identification, and name tag.

(b) Communal police officers may be equipped with a sidearm, handcuffs, a baton, and a radio.

(c) Subject to authorization or modification by the CIM, each commune may maintain, either at the communal headquarters or at municipal stations, no more than one long-barreled weapon not to exceed 7.62 mm for every fifteen police officers assigned to the commune. Each such weapon must be approved by and registered with the IM and KFOR pursuant to procedures established by the CIM and COMKFOR. When not in use, all such weapons will be securely stored and each commune will keep a registry of these weapons.

(i) In the event of a serious law enforcement threat that would justify the use of these weapons, the communal police commander shall obtain IM approval before employing these weapons.

(ii) The communal police commander may authorize the use of these weapons without prior approval of the IM for the sole purpose of self-defense. In such cases, he must report the incident no later than one hour after it occurs to the IM and KFOR.

(iii) If the CIM determines that a weapon has been used by a member of a communal police force in a manner contrary to this Chapter, he may take appropriate corrective measures; such measures may include reducing the number of such weapons that the communal police force is allowed to possess or dismissing or disciplining the law enforcement personnel involved.

(d) Communal police officers engaged in crowd control functions will receive equipment appropriate to their task, including batons, helmets and shields, subject to IM approval.

Article III: Interim Police Academy

1. Under the supervision of the IM, the CJA shall establish an interim Police Academy that will offer mandatory and professional development training for all public security personnel, including border police. Until the interim police academy is established, IM will oversee a temporary training program for public security personnel including border police.

2. All public security personnel shall be required to complete a course of police studies successfully before serving as communal police officers.

3. The Academy shall be headed by a Director appointed and removed by the CJA in consultation with the Kosovo Criminal Justice Commission and the IM. The Director shall consult closely with the IM and comply fully with its recommendations and guidance.

4. All Republic and Federal police training facilities in Kosovo, including the academy at Vucitrn, will cease operations within 6 months of the entry into force of this Agreement.

Article IV: Criminal Justice Commissions

1. The parties shall establish a Kosovo Criminal Justice Commission and Communal Criminal Justice Commissions. The CIM or his designee shall chair meetings of these

Commissions. They shall be forums for cooperation, coordination and the resolution of disputes concerning law enforcement and civil public security in Kosovo.

2. The functions of the Commissions shall include the following:

(a) Monitor, review, and make recommendations regarding the operation of law enforcement personnel and policies in Kosovo, including communal police units;

(b) Review, and make recommendations regarding the recruitment, selection and training of communal police officers and commanders;

(c) Consider complaints regarding police practices filed by individuals or national communities, and provide information and recommendations to communal police commanders and the CIM for consideration in their reviews of officer performance; and

(d) In the Kosovo Criminal Justice Commission only: In consultation with designated local, Republic and Federal police liaisons, monitor jurisdiction sharing in cases of overlapping criminal jurisdiction between Kosovo, Republic and Federal authorities.

3. The membership of the Kosovo Criminal Justice Commission and each Communal Criminal Justice Commission shall be representative of the population and shall include:

(a) In the Kosovo Criminal Justice Commission:

(i) a representative of each commune;

(ii) the head of the Kosovo CJA;

(iii) a representative of each Republic and Federal law enforcement component operating in Kosovo (for example, Customs police and Border police);

(iv) a representative of each national community;

(v) a representative of the IM, during its period of operation in Kosovo;

(vi) a representative of the VJ border guard, as appropriate;

(vii) a representative of the MUP, as appropriate, while present in Kosovo; and

(viii) A representative of KFOR, as appropriate.

(b) In the Communal Criminal Justice Commissions:

(i) the communal police commander;

(ii) a representative of any Republic and Federal law enforcement component operating in the commune;

(iii) a representative of each national community;

(iv) a civilian representative of the communal government;

(v) a representative of the IM, during its period of operation in Kosovo;

(vi) a representative of the VJ border guard, who shall have observer status, as appropriate; and

(vii) A representative of KFOR, as appropriate.

4. Each Criminal Justice Commission shall meet at least monthly, or at the request of any Commission member.

Article V: Police Operations in Kosovo

1. The communal police established by this Agreement shall have exclusive law enforcement authority and jurisdiction and shall be the only police presence in Kosovo following the reduction and eventual withdrawal from Kosovo by the MUP, with the exception of border police as specified in Article VI and any support provided pursuant to Article I(3)(h).

(a) During the transition to communal police, the remaining MUP shall carry out only normal policing duties, and shall draw down, pursuant to the schedule described in Chapter 7.

(b) During the period of the phased drawdown of the MUP, the MUP in Kosovo shall have authority to conduct only civil police functions and shall be under the supervision and control of the CIM. The IM may dismiss from service, or take other appropriate disciplinary action against, MUP personnel who obstruct implementation of this Agreement.

2. Concurrent Law Enforcement in Kosovo.

(a) Except as provided in Article V.1 and Article VI, Federal and Republic law enforcement officials may only act within Kosovo in cases of hot pursuit of a person suspected of committing a serious criminal offense.

(i) Federal and Republic authorities shall as soon as practicable, but in no event later than one hour after their entry into Kosovo while engaged in a hot pursuit, notify the nearest Kosovo law enforcement officials that the pursuit has crossed into Kosovo. Once notification has been made, further pursuit and apprehension shall be coordinated with Kosovo law enforcement. Following apprehension, suspects shall be placed into the custody of the authorities originating the pursuit. If the suspect has not been apprehended within four hours, the original pursuing authorities shall cease their pursuit and immediately depart Kosovo unless invited to continue their pursuit by the CJA or the CIM.

(ii) In the event the pursuit is of such short duration as to preclude notification, Kosovo law enforcement officials shall be notified that an apprehension has been

made and shall be given access to the detainee prior to his removal from Kosovo.

(iii) Personnel engaged in hot pursuit under the provisions of this Article may only be civilian police, may only carry weapons appropriate for normal civilian police duties (sidearms, and long-barreled weapons not to exceed 7.62mm), may only travel in officially marked police vehicles, and may not exceed a total of eight personnel at any one time. Travel in armored personnel carriers by police engaged in hot pursuit is strictly prohibited.

(iv) The same rules shall apply to hot pursuit of suspects by Kosovo law enforcement authorities to Federal territory outside of Kosovo.

(b) All Parties shall provide the highest degree of mutual assistance in law enforcement matters in response to reasonable requests.

Article VI: Security on International Borders

1. The Government of the FRY will maintain official border crossings on its international borders (Albania and FYROM).

2. Personnel from the organizations listed below may be present along Kosovo's international borders and at international border crossings, and may not act outside the scope of the authorities specified in this Chapter.

(a) Republic of Serbia Border Police

(i) The Border Police shall continue to exercise authority at Kosovo's international border crossings and in connection with the enforcement of Federal Republic of Yugoslavia immigration laws. The total number of border police shall be drawn down to 75 within 14 days of entry into force of this Agreement.

(ii) While maintaining the personnel threshold specified in subparagraph (i), the ranks of the existing Border Police units operating in Kosovo shall be supplemented by new recruits so that they are representative of the Kosovo population.

(iii) All Border Police stationed in Kosovo must attend police training at the Kosovo police academy within 18 months of the entry into force of this Agreement.

(b) Customs Officers

(i) The FRY Customs Service will continue to exercise customs jurisdiction at Kosovo's official international border crossings and in such customs warehouses as may be necessary within Kosovo. The total number of customs personnel shall be drawn down to 50 within 14 days of the entry into force of this Agreement.

(ii) Kosovar Albanian officers of the Customs Service shall be trained and compensated by the FRY.

(c) The CIM shall conduct a periodic review of customs and border police requirements and shall have the authority to increase or decrease the personnel ceilings described in paragraphs (a)(i) and (b)(i) above to reflect operational needs and to adjust the composition of individual customs units.

Article VII: Arrest and Detention

1. Except pursuant to Article V, Article I(3)(h), and sections (a)-(b) of this paragraph, only officers of the communal police shall have authority to arrest and detain individuals in Kosovo.

(a) Border Police officers shall have authority within Kosovo to arrest and detain individuals who have violated criminal provisions of the immigration laws.

(b) Officers of the Customs Service shall have authority within Kosovo to arrest and detain individuals for criminal violations of the customs laws.

2. Immediately upon making an arrest, the arresting officer shall notify the nearest Communal Criminal Justice Commission of the detention and the location of the detainee. He subsequently shall transfer the detainee to the nearest appropriate jail in Kosovo at the earliest opportunity.

3. Officers may use reasonable and necessary force proportionate to the circumstances to effect arrests and keep suspects in custody.

4. Kosovo and its constituent communes shall establish jails and prisons to accommodate the detention of criminal suspects and the imprisonment of individuals convicted of violating the laws applicable in Kosovo. Prisons shall be operated consistent with international standards. Access shall be provided to international personnel, including representatives of the International Committee of the Red Cross.

Article VIII: Administration of Justice

1. Criminal Jurisdiction over Persons Arrested within Kosovo.

(a) Except in accordance with Article V and subparagraph (b) of this paragraph, any person arrested within Kosovo shall be subject to the jurisdiction of the Kosovo courts.

(b) Any person arrested within Kosovo, in accordance with the law and with this Agreement, by the Border Police or Customs Police shall be subject to the jurisdiction of the FRY courts. If there is no applicable court of the FRY to hear the case, the Kosovo courts shall have jurisdiction.

2. Prosecution of Crimes.

(a) The CJA shall, in consultation with the CIM, appoint and have the authority to remove the Chief Prosecutor.

(b) The IM shall have the authority to monitor, observe, inspect, and when necessary, direct the operations of the Office of the Prosecutor and any and all related staff.

Article IX: Final Authority to Interpret

The CIM is the final authority regarding interpretation of this Chapter and his determinations are binding on all Parties and persons.

Chapter 3

Conduct and Supervision of Elections

Article I: Conditions for Elections

1. The Parties shall ensure that conditions exist for the organization of free and fair elections, which include but are not limited to:

   a) freedom of movement for all citizens;

   b) an open and free political environment;

   c) an environment conducive to the return of displaced persons;

   d) a safe and secure environment that ensures freedom of assembly, association, and expression;

   e) an electoral legal framework of rules and regulations complying with OSCE commitments, which will be implemented by a Central Election Commission, as set forth in Article III, which is representative of the population of Kosovo in terms of national communities and political parties; and

   f) free media, effectively accessible to registered political parties and candidates, and available to voters throughout Kosovo.

2. The Parties request the OSCE to certify when elections will be effective under current conditions in Kosovo, and to provide assistance to the Parties to create conditions for free and fair elections.

3. The Parties shall comply fully with Paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Chapter.

Article II: Role of the OSCE

1. The Parties request the OSCE to adopt and put in place an elections program for Kosovo and supervise elections as set forth in this Agreement.

2. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for:

   a) Members of the Kosovo Assembly;

   b) Members of Communal Assemblies;

   c) other officials popularly elected in Kosovo under this Agreement and the laws and Constitution of Kosovo at the discretion of the OSCE.

3. The Parties request the OSCE to establish a Central Election Commission in Kosovo ("the Commission").

4. Consistent with Article IV of Chapter 5, the first elections shall be held within nine months of the entry into force of this Agreement. The President of the Commission shall decide, in consultation with the Parties, the exact timing and order of elections for Kosovo political offices.

Article III: Central Election Commission

1. The Commission shall adopt electoral Rules and Regulations on all matters necessary for the conduct of free and fair elections in Kosovo, including rules relating to: the eligibility and registration of candidates, parties, and voters, including displaced persons and refugees; ensuring a free and fair elections campaign; administrative and technical preparation for elections including the establishment, publication, and certification of election results; and the role of international and domestic election observers.

2. The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:

a) the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration, and creation of secure and transparent procedures for production and dissemination of ballots and sensitive election materials, vote counts, tabulations, and publication of elections results;

b) ensuring compliance with the electoral Rules and Regulations established pursuant to this Agreement, including establishing auxiliary bodies for this purpose as necessary;

c) ensuring that action is taken to remedy any violation of any provision of this Agreement, including imposing penalties such as removal from candidate or party lists, against any person, candidate, political party, or body that violates such provisions; and

d) accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant the accredited observers unimpeded access and movement.

3. The Commission shall consist of a person appointed by the Chairman-in-Office (CIO) of the OSCE, representatives of all national communities, and representatives of political parties in Kosovo selected by criteria to be determined by the Commission. The person appointed by the CIO shall act as the President of the Commission. The rules of procedure of the Commission shall provide that in the exceptional circumstance of an unresolved dispute within the Commission, the decision of the President shall be final and binding.

4. The Commission shall enjoy the right to establish communication facilities, and to engage local and administrative staff.

ATTACHMENT

TO CHAPTER 3 ON ELECTIONS

Document of the Second Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, Copenhagen, 1990

Paragraphs 7 and 8:

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) - hold free elections at reasonable intervals, as established by law;

(7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) - guarantee universal and equal suffrage to adult citizens;

(7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) - ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

Chapter 4

Economic Issues

Article I

1. The economy of Kosovo shall function in accordance with free market principles.

2. The authorities established to levy and collect taxes and other charges are set forth in this Agreement. Except as otherwise expressly provided, all authorities have the right to keep all revenues from their own taxes or other charges consistent with this Agreement.

3. Certain revenue from Kosovo taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Assembly of Kosovo shall enact appropriate non-discriminatory legislation for this purpose. The Communes may also levy local taxes in accordance with this Agreement.

4. The Federal Republic of Yugoslavia shall be responsible for the collection of all customs duties at international borders in Kosovo. There shall be no impediments to the free movement of persons, goods, services, and capital to and from Kosovo.

5. Federal authorities shall ensure that Kosovo receives a proportionate and equitable share of benefits that may be derived from international agreements concluded by the Federal Republic and of Federal resources.

6. Federal and other authorities shall within their respective powers and responsibilities ensure the free movement of persons, goods, services, and capital to Kosovo, including from international sources. They shall in particular allow access to Kosovo without discrimination for persons delivering such goods and services.

7. If expressly required by an international donor or lender, international contracts for reconstruction projects shall be concluded by the authorities of the Federal Republic of Yugoslavia, which shall establish appropriate mechanisms to make such funds available to

Kosovo authorities. Unless precluded by the terms of contracts, all reconstruction projects that exclusively concern Kosovo shall be managed and implemented by the appropriate Kosovo authority.

Article II

1. The Parties agree to reallocate ownership and resources in accordance insofar as possible with the distribution of powers and responsibilities set forth in this Agreement, in the following areas:

   (a) government-owned assets (including educational institutions, hospitals, natural resources, and production facilities);

   (b) pension and social insurance contributions;

   (c) revenues to be distributed under Article I.5; and

   (d) any other matters relating to economic relations between the Parties not covered by this Agreement.

2. The Parties agree to the creation of a Claim Settlement Commission (CSC) to resolve all disputes between them on matters referred to in paragraph 1.

   (a) The CSC shall consist of three experts designated by Kosovo, three experts designated jointly by the Federal Republic of Yugoslavia and the Republic of Serbia, and three independent experts designated by the CIM.

   (b) The decisions of the CSC, which shall be taken by majority vote, shall be final and binding. The Parties shall implement them without delay.

3. Authorities receiving ownership of public facilities shall have the power to operate such facilities.

Chapter 4 A

Humanitarian Assistance, Reconstruction and Economic Development

1. In parallel with the continuing full implementation of this Agreement, urgent attention must be focused on meeting the real humanitarian and economic needs of Kosovo in order to help create the conditions for reconstruction and lasting economic recovery. International assistance will be provided without discrimination between national communities.

2. The Parties welcome the willingness of the European Commission working with the international community to co-ordinate international support for the parties' efforts. Specifically, the European Commission will organize an international donors' conference within one month of entry into force of this Agreement.

3. The international community will provide immediate and unconditional humanitarian assistance, focusing primarily on refugees and internally displaced persons returning to their former homes. The Parties welcome and endorse the UNHCR's lead role in co-ordination of this effort, and endorse its intention, in close co-operation with the Implementation Mission, to plan an early, peaceful, orderly and phased return of refugees and displaced persons in conditions of safety and dignity.

4. The international community will provide the means for the rapid improvement of living conditions for the population of Kosovo through the reconstruction and rehabilitation of housing and local infrastructure (including water, energy, health and local education infrastructure) based on damage assessment surveys.

5. Assistance will also be provided to support the establishment and development of the institutional and legislative framework laid down in this Agreement, including local governance and tax settlement, and to reinforce civil society, culture and education. Social welfare will also be addressed, with priority given to the protection of vulnerable social groups.

6. It will also be vital to lay the foundations for sustained development, based on a revival of the local economy. This must take account of the need to address unemployment, and to stimulate the economy by a range of mechanisms. The European Commission will be giving urgent attention to this.

7. International assistance, with the exception of humanitarian aid, will be subject to full compliance with this Agreement as well as other conditionalities defined in advance by the donors and the absorptive capacity of Kosovo.

Chapter 5

Implementation I

Article I: Institutions

Implementation Mission

1. The Parties invite the OSCE, in cooperation with the European Union, to constitute an Implementation Mission in Kosovo. All responsibilities and powers previously vested in the Kosovo Verification Mission and its Head by prior agreements shall be continued in the Implementation Mission and its Chief.

Joint Commission

2. A Joint Commission shall serve as the central mechanism for monitoring and coordinating the civilian implementation of this Agreement. It shall consist of the Chief of the Implementation Mission (CIM), one Federal and one Republic representative, one representative of each national community in Kosovo, the President of the Assembly, and a representative of the President of Kosovo. Meetings of the Joint Commission may be attended by other representatives of organizations specified in this Agreement or needed for its implementation.

3. The CIM shall serve as the Chair of the Joint Commission. The Chair shall coordinate and organize the work of the Joint Commission and decide the time and place of its meetings. The Parties shall abide by and fully implement the decisions of the Joint Commission. The Joint Commission shall operate on the basis of consensus, but in the event consensus cannot be reached, the Chair's decision shall be final.

4. The Chair shall have full and unimpeded access to all places, persons, and information (including documents and other records) within Kosovo that in his judgment are necessary to his responsibilities with regard to the civilian aspects of this Agreement.

Joint Council and Local Councils

5. The CIM may, as necessary, establish a Kosovo Joint Council and Local Councils, for informal dispute resolution and cooperation. The Kosovo Joint Council would consist of one member from each of the national communities in Kosovo. Local Councils would consist of representatives of each national community living in the locality where the Local Council is established.

Article II: Responsibilities and Powers

1. The CIM shall:

(a) supervise and direct the implementation of the civilian aspects of this Agreement pursuant to a schedule that he shall specify;

(b) maintain close contact with the Parties to promote full compliance with those aspects of this Agreement;

(c) facilitate, as he deems necessary, the resolution of difficulties arising in connection with such implementation;

(d) participate in meetings of donor organizations, including on issues of rehabilitation and reconstruction, in particular by putting forward proposals and identifying priorities for their consideration as appropriate;

(e) coordinate the activities of civilian organizations and agencies in Kosovo assisting in the implementation of the civilian aspects of this Agreement, respecting fully their specific organizational procedures;

(f) report periodically to the bodies responsible for constituting the Mission on progress in the implementation of the civilian aspects of this Agreement; and

(g) carry out the functions specified in this Agreement pertaining to police and security forces.

2. The CIM shall also carry out other responsibilities set forth in this Agreement or as may be later agreed.

Article III: Status of Implementation Mission

1. Implementation Mission personnel shall be allowed unrestricted movement and access into and throughout Kosovo at any time.

2. The Parties shall facilitate the operations of the Implementation Mission, including by the provision of assistance as requested with regard to transportation, subsistence, accommodation, communication, and other facilities.

3. The Implementation Mission shall enjoy such legal capacity as may be necessary for the exercise of its functions under the laws and regulations of Kosovo, the Federal Republic of Yugoslavia, and the Republic of Serbia. Such legal capacity shall include the capacity to contract, and to acquire and dispose of real and personal property.

4. Privileges and immunities are hereby accorded as follows to the Implementation Mission and associated personnel:

(a) the Implementation Mission and its premises, archives, and other property shall enjoy the same privileges and immunities as a diplomatic mission under the Vienna Convention on Diplomatic Relations;

(b) the CIM and professional members of his staff and their families shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations; and

(c) other members of the Implementation Mission staff and their families shall enjoy the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

Article IV: Process of Implementation

General

1. The Parties acknowledge that complete implementation will require political acts and measures, and the election and establishment of institutions and bodies set forth in this Agreement. The Parties agree to proceed expeditiously with these tasks on a schedule set by the Joint Commission. The Parties shall provide active support, cooperation, and participation for the successful implementation of this Agreement.

Elections and Census

2. Within nine months of the entry into force of this Agreement, there shall be elections in accordance with and pursuant to procedures specified in Chapter 3 of this Agreement for authorities established herein, according to a voter list prepared to international standards by the Central Election Commission. The Organization for Security and Cooperation in Europe (OSCE) shall supervise those elections to ensure that they are free and fair.

3. Under the supervision of the OSCE and with the participation of Kosovo authorities and experts nominated by and belonging to the national communities of Kosovo, Federal authorities shall conduct an objective and free census of the population in Kosovo under rules and regulations agreed with the OSCE in accordance with international standards. The census shall be carried out when the OSCE determines that conditions allow an objective and accurate enumeration.

   (a) The first census shall be limited to name, place of birth, place of usual residence and address, gender, age, citizenship, national community, and religion.

   (b) The authorities of the Parties shall provide each other and the OSCE with all records necessary to conduct the census, including data about places of residence, citizenship, voters' lists, and other information.

Transitional Provisions

4. All laws and regulations in effect in Kosovo when this Agreement enters into force shall remain in effect unless and until replaced by laws or regulations adopted by a competent body. All laws and regulations applicable in Kosovo that are incompatible with this Agreement shall be presumed to have been harmonized with this Agreement. In particular, martial law in Kosovo is hereby revoked.

5. Institutions currently in place in Kosovo shall remain until superseded by bodies created by or in accordance with this Agreement. The CIM may recommend to the appropriate authorities the removal and appointment of officials and the curtailment of operations of existing institutions in Kosovo if he deems it necessary for the effective implementation of this Agreement. If the action recommended is not taken in the time requested, the Joint Commission may decide to take the recommended action.

6. Prior to the election of Kosovo officials pursuant to this Agreement, the CIM shall take the measures necessary to ensure the development and functioning of independent media in keeping with international standards, including allocation of radio and television frequencies.

Article V: Authority to Interpret

The CIM shall be the final authority in theater regarding interpretation of the civilian aspects of this Agreement, and the Parties agree to abide by his determinations as binding on all Parties and persons.

Chapter 6

The Ombudsman

Article I: General

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human rights and fundamental freedoms in Kosovo. The Ombudsman shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. No person, institution, or entity of the Parties may interfere with the functions of the Ombudsman.

2. The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of members of national communities. He or she shall be nominated by the President of Kosovo and shall be elected by the Assembly from a list of candidates prepared by the President of the European Court of Human Rights for a non-renewable three-year term. The Ombudsman shall not be a citizen of any State or entity that was a part of the former Yugoslavia, or of any neighboring State. Pending the election of the President and the Assembly, the CIM shall designate a person to serve as Ombudsman on an interim basis who shall be succeeded by a person selected pursuant to the procedure set forth in this paragraph.

3. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have two Deputies. The Deputies shall each be drawn from different national communities.

(a) The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid by the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's mandate.

(b) The Ombudsman and members of his or her staff shall not be held criminally or civilly liable for any acts carried out within the scope of their duties.

Article II: Jurisdiction

1. The Ombudsman shall consider:

(a) alleged or apparent violations of human rights and fundamental freedoms in Kosovo, as provided in the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and

(b) alleged or apparent violations of the rights of members of national communities specified in this Agreement.

2. All persons in Kosovo shall have the right to submit complaints to the Ombudsman. The Parties agree not to take any measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

Article III: Powers and Duties

1. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in Article II.1. He or she may act either on his or her own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.

2. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.

(a) The Ombudsman shall have access to and may examine all official documents, and he or she can require any person, including officials of Kosovo, to cooperate by providing relevant information, documents, and files.

(b) The Ombudsman may attend administrative hearings and meetings of other Kosovo institutions in order to gather information.

(c) The Ombudsman may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.

(d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.

(e) The Parties undertake to ensure cooperation with the Ombudsman's investigations. Willful and knowing failure to comply shall be a criminal offense prosecutable in any jurisdiction of the Parties. Where an official impedes an investigation by refusing to provide necessary information, the Ombudsman shall contact that official's superior or the public prosecutor for appropriate penal action to be taken in accordance with the law.

3. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation.

(a) A Party, institution, or official identified by the Ombudsman as a violator shall, within a period specified by the Ombudsman, explain in writing how it will comply with any prescriptions the Ombudsman may put forth for remedial measures.

(b) In the event that a person or entity does not comply with the conclusions and recommendations of the Ombudsman, the report shall be forwarded for further action to the Joint Commission established by Chapter 5 of this Agreement, to the President of the appropriate Party, and to any other officials or institutions that the Ombudsman deems proper.

Chapter 7

Implementation II

Article I: General Obligations

1. The Parties undertake to recreate, as quickly as possible, normal conditions of life in Kosovo and to co-operate fully with each other and with all international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement. They welcome the willingness of the international community to send to the region a force to assist in the implementation of this Agreement.

    a. The United Nations Security Council is invited to pass a resolution under Chapter VII of the Charter endorsing and adopting the arrangements set forth in this Chapter, including the establishment of a multinational military implementation force in Kosovo. The Parties invite NATO to constitute and lead a military force to help ensure compliance with the provisions of this Chapter. They also reaffirm the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY).

    b. The Parties agree that NATO will establish and deploy a force (hereinafter "KFOR") which may be composed of ground, air, and maritime units from NATO and non-NATO nations, operating under the authority and subject to the direction and the political control of the North Atlantic Council (NAC) through the NATO chain of command. The Parties agree to facilitate the deployment and operations of this force and agree also to comply fully with all the obligations of this Chapter.

    c. It is agreed that other States may assist in implementing this Chapter. The Parties agree that the modalities of those States' participation will be the subject of agreement between such participating States and NATO.

2. The purposes of these obligations are as follows:

a. to establish a durable cessation of hostilities. Other than those Forces provided for in this Chapter, under no circumstances shall any armed Forces enter, reenter, or remain within Kosovo without the prior express consent of the KFOR Commander (COMKFOR). For the purposes of this Chapter, the term "Forces" includes all personnel and organizations with military capability, including regular army, armed civilian groups, paramilitary groups, air forces, national guards, border police, army reserves, military police, intelligence services, Ministry of Internal Affairs, Local, Special, Riot and Anti-Terrorist Police, and any other groups or individuals so designated by COMKFOR. The only exception to the provisions of this paragraph is for civilian police engaged in hot pursuit of a person suspected of committing a serious criminal offense, as provided for in Chapter 2;

b. to provide for the support and authorization of the KFOR and in particular to authorize the KFOR to take such actions as are required, including the use of necessary force, to ensure compliance with this Chapter and the protection of the KFOR, Implementation Mission (IM), and other international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement, and to contribute to a secure environment;

c. to provide, at no cost, the use of all facilities and services required for the deployment, operations and support of the KFOR.

3. The Parties understand and agree that the obligations undertaken in this Chapter shall apply equally to each Party. Each Party shall be held individually responsible for compliance with its obligations, and each agrees that delay or failure to comply by one Party shall not constitute cause for any other Party to fail to carry out its own obligations. All Parties shall be equally subject to such enforcement action by the KFOR as may be necessary to ensure implementation of this Chapter in Kosovo and the protection of the KFOR, IM, and other international organizations, agencies, and non-

governmental organizations involved in the implementation of this Agreement.

Article II: Cessation of Hostilities

1. The Parties shall, immediately upon entry into force of this Agreement (EIF), refrain from committing any hostile or provocative acts of any type against each other or against any person in Kosovo. They shall not encourage or organize hostile or provocative demonstrations.

2. In carrying out the obligations set forth in paragraph 1, the Parties undertake in particular to cease the firing of all weapons and explosive devices except as authorized by COMKFOR. They shall not place any mines, barriers, unauthorized checkpoints, observation posts (with the exception of COMKFOR-approved border observation posts and crossing points), or protective obstacles. Except as provided in Chapter 2, the Parties shall not engage in any military, security, or training-related activities, including ground, air, or air defense operations, in or over Kosovo, without the prior express approval of COMKFOR.

3. Except for Border Guard forces (as provided for in Article IV), no Party shall have Forces present within a 5 kilometer zone inward from the international border of the FRY that is also the border of Kosovo (hereinafter "the Border Zone"). The Border Zone will be marked on the ground by EIF + 14 days by VJ Border Guard personnel in accordance with direction from IM. COMKFOR may determine small scale reconfigurations for operational reasons.

4. a. With the exception of civilian police performing normal police duties as determined by the CIM, no Party shall have Forces present within 5 kilometers of the Kosovo side of the boundary of Kosovo with other parts of the FRY.

   b. The presence of any Forces within 5 kilometers of the other side of that boundary shall be notified to COMKFOR; if, in the judgment of COMKFOR, such presence threatens or would threaten implementation of this Chapter in

Kosovo, he shall contact the authorities responsible for the Forces in question and may require those Forces to withdraw from or remain outside that area.

5. No Party shall conduct any reprisals, counter-attacks, or any unilateral actions in response to violations of this Chapter by another Party. The Parties shall respond to alleged violations of this Chapter through the procedures provided in Article XI.

Article III: Redeployment, Withdrawal, and Demilitarization of Forces

In order to disengage their Forces and to avoid any further conflict, the Parties shall immediately upon EIF begin to re-deploy, withdraw, or demilitarize their Forces in accordance with Articles IV, V, and VI.

Article IV: VJ Forces

1. VJ Army Units

   a. By K-Day + 5 days, all VJ Army units in Kosovo (with the exception of those Forces specified in paragraph 2 of this Article) shall have completed redeployment to the approved cantonment sites listed at Appendix A to this Chapter. The senior VJ commander in Kosovo shall confirm in writing to COMKFOR by K-Day + 5 days that the VJ is in compliance and provide the information required in Article VII below to take account of withdrawals or other changes made during the redeployment. This information shall be updated weekly.

   b. By K-Day + 30 days, the Chief of the VJ General Staff, through the senior VJ commander in Kosovo, shall provide for approval by COMKFOR a detailed plan for the phased withdrawal of VJ Forces from Kosovo to other locations in Serbia to ensure the following timelines are met:

      1) By K-Day + 90 days, VJ authorities must, to the satisfaction of COMKFOR, withdraw from

Kosovo to other locations in Serbia 50% of men and materiel and all designated offensive assets. Such assets are taken to be: main battle tanks; all other armored vehicles mounting weapons greater than 12.7mm; and, all heavy weapons (vehicle mounted or not) of over 82mm.

2) By K-Day + 180 days, all VJ Army personnel and equipment (with the exception of those Forces specified in paragraph 2 of this Article) shall be withdrawn from Kosovo to other locations in Serbia.

2. VJ Border Guard Forces

a. VJ Border Guard forces shall be permitted but limited to a structure of 1500 members at pre-February 1998 Border Guard Battalion facilities located in Djakovica, Prizren, and Urosevac and subordinate facilities within the 5 kilometer Border Zone, or at a limited number of existing facilities in the immediate proximity of the Border Zone subject to the prior approval of COMKFOR, with that number to be reached by K-Day + 14 days. An additional number of VJ personnel -- totaling no more than 1000 C2 and logistics forces -- will be permitted to remain in the approved cantonment sites listed at Appendix A to fulfill brigade-level functions related only to border security. After an initial 90 day period from K-Day, COMKFOR may at any time review the deployments of VJ personnel and may require further adjustments to force levels, with the objective of reaching the minimum force structure required for legitimate border security, as the security situation and the conduct of the Parties warrant.

b. VJ elements in Kosovo shall be limited to weapons of 82mm and below. They shall possess neither armored vehicles (other than wheeled vehicles mounting weapons of 12.7mm or less) nor air defense weapons.

c. VJ Border Guard units shall be permitted to patrol in Kosovo only within the Border Zone and solely

for the purpose of defending the border against external attack and maintaining its integrity by preventing illicit border crossings. Geographic terrain considerations may require Border Guard maneuver inward of the Border Zone; any such maneuver shall be coordinated with and approved by COMKFOR.

d. With the exception of the Border Zone, VJ units may travel through Kosovo only to reach duty stations and garrisons in the Border Zone or approved cantonment sites. Such travel may only be along routes and in accordance with procedures that have been determined by COMKFOR after consultation with the CIM, VJ unit commanders, communal government authorities, and police commanders. These routes and procedures will be determined by K-Day + 14 days, subject to re-determination by COMKFOR at any time. VJ forces in Kosovo but outside the Border Zone shall be permitted to act only in self-defense in response to a hostile act pursuant to Rules of Engagement (ROE) which will be approved by COMKFOR in consultation with the CIM. When deployed in the Border Zone, they will act in accordance with ROE established under control of COMKFOR.

e. VJ Border Guard forces may conduct training activities only within the 5 kilometer Border Zone, and only with the prior express approval of COMKFOR.

3. Yugoslav Air and Air Defense Forces (YAADF)

All aircraft, radars, surface-to-air missiles (including man-portable air defense systems (MANPADS)) and anti-aircraft artillery in Kosovo shall immediately upon EIF begin withdrawing from Kosovo to other locations in Serbia outside the 25 kilometer Mutual Safety Zone as defined in Article X. This withdrawal shall be completed and reported by the senior VJ commander in Kosovo to the appropriate NATO commander not more than 10 days after EIF. The appropriate NATO commander shall control and coordinate use of airspace over Kosovo commencing at EIF as further specified in Article X. No air defense systems, target tracking radars, or anti-aircraft artillery shall be positioned or operated within Kosovo or the 25 kilometer

Mutual Safety Zone without the prior express approval of the appropriate NATO commander.

Article V: Other Forces

1. The actions of Forces in Kosovo other than KFOR, VJ, MUP, or local police forces provided for in Chapter 2 (hereinafter referred to as "Other Forces") shall be in accordance with this Article. Upon EIF, all Other Forces in Kosovo must immediately observe the provisions of Article I, paragraph 2, Article II, paragraph 1, and Article III and in addition refrain from all hostile intent, military training and formations, organization of demonstrations, and any movement in either direction or smuggling across international borders or the boundary between Kosovo and other parts of the FRY. Furthermore, upon EIF, all Other Forces in Kosovo must publicly commit themselves to demilitarize on terms to be determined by COMKFOR, renounce violence, guarantee security of international personnel, and respect the international borders of the FRY and all terms of this Chapter.

2. Except as approved by COMKFOR, from K-Day, all Other Forces in Kosovo must not carry weapons:

   a. within 1 kilometer of VJ and MUP cantonments listed at Appendix A;

   b. within 1 kilometer of the main roads as follows:
      1) Pec - Lapusnik - Pristina
      2) border - Djakovica - Klina
      3) border - Prizren - Suva Rika - Pristina
      4) Djakovica - Orahovac - Lapusnik - Pristina
      5) Pec-Djakovica - Prizren - Urosevac - border
      6) border - Urosevac - Pristina - Podujevo - border
      7) Pristina - Kosovska Mitrovica - border
      8) Kosovka Mitrovica - (Rakos) - Pec
      9) Pec - Border with Montenegro (through Pozaj)
      10) Pristina - Lisica - border with Serbia
      11) Pristina - Gnjilane - Urosevac
      12) Gnjilane - Veliki Trnovac - border with Serbia;
      13) Prizren - Doganovic

c. within 1 kilometer of the Border Zone;

d. in any other areas designated by COMKFOR.

3. By K-Day + 5 days, all Other Forces must abandon and close all fighting positions, entrenchments, and checkpoints.

4. By K-Day + 5 days, all Other Forces' commanders designated by COMKFOR shall report completion of the above requirements in the format at Article VII to COMKFOR and continue to provide weekly detailed status reports until demilitarization is complete.

5. COMKFOR will establish procedures for demilitarization and monitoring of Other Forces in Kosovo and for the further regulation of their activities. These procedures will be established to facilitate a phased demilitarization program as follows:

a. By K-Day + 5 days, all Other Forces shall establish secure weapons storage sites, which shall be registered with and verified by the KFOR;

b. By K-Day + 30 days, all Other Forces shall store all prohibited weapons (any weapon 12.7mm or larger, any anti-tank or anti-aircraft weapons, grenades, mines or explosives) and automatic weapons in the registered weapons storage sites. Other Forces commanders shall confirm completion of weapons storage to COMKFOR no later than K-Day + 30 days;

c. By K-Day + 30 days, all Other Forces shall cease wearing military uniforms and insignia, and cease carrying prohibited weapons and automatic weapons;

d. By K-Day + 90 days, authority for storage sites shall pass to the KFOR. After this date, it shall be illegal for Other Forces to possess prohibited weapons and automatic weapons, and such weapons shall be subject to confiscation by the KFOR;

e. By K-Day + 120 days, demilitarization of all Other Forces shall be completed.

6. By EIF + 30 days, subject to arrangements by COMKFOR if necessary, all Other Forces personnel who are not of local origin, whether or not they are legally within Kosovo, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from Kosovo.

ARTICLE VI: MUP

1. Ministry of Interior Police (MUP) is defined as all police and public security units and personnel under the control of Federal or Republic authorities except for the border police referred to in Chapter 2 and police academy students and personnel at the training school in Vucitrn referred to in Chapter 2. The CIM, in consultation with COMKFOR, shall have the discretion to exempt any public security units from this definition if he determines that it is in the public interest (e.g. firefighters).

   a. By K-Day + 5 days, all MUP units in Kosovo (with the exception of the border police referred to in Chapter 2) shall have completed redeployment to the approved cantonment sites listed at Appendix A to this Chapter or to garrisons outside Kosovo. The senior MUP commander in Kosovo or his representative shall confirm in writing by K-Day + 5 days to COMKFOR and the CIM that the MUP is in compliance and update the information required in Article VII to take account of withdrawals or other changes made during the redeployment. This information shall be updated weekly. Resumption of normal communal police patrolling will be permitted under the supervision and control of the IM and as specifically approved by the CIM in consultation with COMKFOR, and will be contingent on compliance with the terms of this Agreement.

   b. Immediately upon EIF, the following withdrawals shall begin:

      1) By K-Day + 5 days, those MUP units not assigned to Kosovo prior to 1 February 1998 shall withdraw all personnel and equipment from Kosovo to other locations in Serbia.

2) By K-Day + 20 days, all Special Police, including PJP, SAJ, and JSO forces, and their equipment shall be withdrawn from their cantonment sites out of Kosovo to other locations in Serbia. Additionally, all MUP offensive assets (designated as armored vehicles mounting weapons 12.7mm or larger, and all heavy weapons (vehicle mounted or not) of over 82mm) shall be withdrawn.

c. By K-Day + 30 days, the senior MUP commander shall provide for approval by COMKFOR, in consultation with the CIM, a detailed plan for the phased drawdown of the remainder of MUP forces. In the event that COMKFOR, in consultation with the CIM, does not approve the plan, he has the authority to issue his own binding plan for further MUP drawdowns. The CIM will decide at the same time when the remaining MUP units will wear new insignia. In any case, the following time-table must be met:

1) by K-Day + 60 days, 50% drawdown of the remaining MUP units including reservists. The CIM after consultations with COMKFOR shall have the discretion to extend this deadline for up to K-Day + 90 days if he judges there to be a risk of a law enforcement vacuum;

2) by K-Day + 120 days, further drawdown to 2500 MUP. The CIM after consultations with COMKFOR shall have the discretion to extend this deadline for up to K-Day + 180 days to meet operational needs;

3) transition to communal police force shall begin as Kosovar police are trained and able to assume their duties. The CIM shall organize this transition between MUP and communal police;

4) in any event, by EIF + one year, all Ministry of Interior Civil Police shall be drawn down to zero. The CIM shall have the discretion to extend this deadline for up to an

additional 12 months to meet operational needs.

d. The 2500 MUP allowed by this Chapter and referred to in Article V.1(a) of Chapter 2 shall have authority only for civil police functions and be under the supervision and control of the CIM.

Article VII: Notifications

1. By K-Day + 5 days, the Parties shall furnish the following specific information regarding the status of all conventional military; all police, including military police, Department of Public Security Police, special police; paramilitary; and all Other Forces in Kosovo, and shall update the COMKFOR weekly on changes in this information:

   a. location, disposition, and strengths of all military and special police units referred to above;

   b. quantity and type of weaponry of 12.7 mm and above, and ammunition for such weaponry, including location of cantonments and supply depots and storage sites;

   c. positions and descriptions of any surface-to-air missiles/launchers, including mobile systems, anti-aircraft artillery, supporting radars, and associated command and control systems;

   d. positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, booby traps, wire entanglements, physical or military hazards to the safe movement of any personnel in Kosovo, weapons systems, vehicles, or any other military equipment; and

   e. any further information of a military or security nature requested by the COMKFOR.

Article VIII: Operations and Authority of the KFOR

1. Consistent with the general obligations of Article I, the Parties understand and agree that the KFOR will deploy and operate without hindrance and with the authority to take all necessary action to help ensure compliance with this Chapter.

2. The Parties understand and agree that the KFOR shall have the right:

   a. to monitor and help ensure compliance by all Parties with this Chapter and to respond promptly to any violations and restore compliance, using military force if required. This includes necessary action to:

      1) enforce VJ and MUP reductions;
      2) enforce demilitarization of Other Forces;
      3) enforce restrictions on all VJ, MUP and Other Forces' activities, movement and training in Kosovo;

   b. to establish liaison arrangements with IM, and support IM as appropriate;

   c. to establish liaison arrangements with local Kosovo authorities, with Other Forces, and with FRY and Serbian civil and military authorities;

   d. to observe, monitor, and inspect any and all facilities or activities in Kosovo, including within the Border Zone, that the COMKFOR believes has or may have military capability, or are or may be associated with the employment of military or police capabilities, or are otherwise relevant to compliance with this Chapter;

   e. to require the Parties to mark and clear minefields and obstacles and to monitor their performance;

   f. to require the Parties to participate in the Joint Military Commission and its subordinate military commissions as described in Article XI.

3. The Parties understand and agree that the KFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks, its capabilities, and available resources, and as directed by the NAC, which include the following:

   a. to help create secure conditions for the conduct by others of other tasks associated with this Agreement, including free and fair elections;

   b. to assist the movement of organizations in the accomplishment of humanitarian missions;

   c. to assist international agencies in fulfilling their responsibilities in Kosovo;

   d. to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate threat to life and person.

4. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the KFOR in implementing this Chapter.

5. KFOR operations shall be governed by the following provisions:

   a. KFOR and its personnel shall have the legal status, rights, and obligations specified in Appendix B to this Chapter;

   b. The KFOR shall have the right to use all necessary means to ensure its full ability to communicate and shall have the right to the unrestricted use of the entire electromagnetic spectrum. In implementing this right, the KFOR shall make reasonable efforts to coordinate with the appropriate authorities of the Parties;

   c. The KFOR shall have the right to control and regulate surface traffic throughout Kosovo including the movement of the Forces of the Parties. All military training activities and movements in Kosovo must be authorized in advance by COMKFOR;

d. The KFOR shall have complete and unimpeded freedom of movement by ground, air, and water into and throughout Kosovo. It shall in Kosovo have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. Neither the KFOR nor any of its personnel shall be liable for any damages to public or private property that they may cause in the course of duties related to the implementation of this Chapter. Roadblocks, checkpoints, or other impediments to KFOR freedom of movement shall constitute a breach of this Chapter and the violating Party shall be subject to military action by the KFOR, including the use of necessary force to ensure compliance with this Chapter.

6. The Parties understand and agree that COMKFOR shall have the authority, without interference or permission of any Party, to do all that he judges necessary and proper, including the use of military force, to protect the KFOR and the IM, and to carry out the responsibilities listed in this Chapter. The Parties shall comply in all respects with KFOR instructions and requirements.

7. Notwithstanding any other provision of this Chapter, the Parties understand and agree that COMKFOR has the right and is authorized to compel the removal, withdrawal, or relocation of specific Forces and weapons, and to order the cessation of any activities whenever the COMKFOR determines such Forces, weapons, or activities to constitute a threat or potential threat to either the KFOR or its mission, or to another Party. Forces failing to redeploy, withdraw, relocate, or to cease threatening or potentially threatening activities following such a demand by the KFOR shall be subject to military action by the KFOR, including the use of necessary force, to ensure compliance, consistent with the terms set forth in Article I, paragraph 3.

Article IX: Border Control

The Parties understand and agree that, until other arrangements are established, and subject to provisions of this Chapter and Chapter 2, controls along the international border of the FRY that is also the border of Kosovo will be maintained by the existing institutions normally assigned to such tasks, subject to supervision by the KFOR and the IM, which shall have the right to review and approve all personnel and units, to monitor their performance, and to remove and replace any personnel for behavior inconsistent with this Chapter.

Article X: Control of Air Movements

The appropriate NATO commander shall have sole authority to establish rules and procedures governing command and control of the airspace over Kosovo as well as within a 25 kilometer Mutual Safety Zone (MSZ). This MSZ shall consist of FRY airspace within 25 kilometers outward from the boundary of Kosovo with other parts of the FRY. This Chapter supersedes the NATO Kosovo Verification Mission Agreement of October 12, 1998 on any matter or area in which they may contradict each other. No military air traffic, fixed or rotary wing, of any Party shall be permitted to fly over Kosovo or in the MSZ without the prior express approval of the appropriate NATO commander. Violations of any of the provisions above, including the appropriate NATO commander's rules and procedures governing the airspace over Kosovo, as well as unauthorized flight or activation of FRY Integrated Air Defense (IADS) within the MSZ, shall be subject to military action by the KFOR, including the use of necessary force. The KFOR shall have a liaison team at the FRY Air Force HQ and a YAADF liaison shall be established with the KFOR. The Parties understand and agree that the appropriate NATO commander may delegate control of normal civilian air activities to appropriate FRY institutions to monitor operations, deconflict KFOR air traffic movements, and ensure smooth and safe operation of the air traffic system.

Article XI: Establishment of a Joint Military Commission

1. A Joint Military Commission (JMC) shall be established with the deployment of the KFOR to Kosovo.

2. The JMC shall be chaired by COMKFOR or his representative and consist of the following members:

   a. the senior Yugoslav military commander of the Forces of the FRY or his representative;

   b. the Ministers of Interior of the FRY and Republic of Serbia or their representatives;

   c. a senior military representative of all Other Forces;

   d. a representative of the IM;

   e. other persons as COMKFOR shall determine, including one or more representatives of the Kosovo civilian leadership.

3. The JMC shall:

   a. serve as the central body for all Parties to address any military complaints, questions, or problems that require resolution by the COMKFOR, such as allegations of cease-fire violations or other allegations of non-compliance with this Chapter;

   b. receive reports and make recommendations for specific actions to COMKFOR to ensure compliance by the Parties with the provisions of this Chapter;

   c. assist COMKFOR in determining and implementing local transparency measures between the Parties.

4. The JMC shall not include any persons publicly indicted by the International Criminal Tribunal for the Former Yugoslavia.

5. The JMC shall function as a consultative body to advise COMKFOR. However, all final decisions shall be made by COMKFOR and shall be binding on the Parties.

6. The JMC shall meet at the call of COMKFOR. Any Party may request COMKFOR to convene a meeting.

7. The JMC shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at an appropriate level, as COMKFOR shall direct. Composition of such commissions shall be determined by COMKFOR.

Article XII: Prisoner Release

1. By EIF + 21 days, the Parties shall release and transfer, in accordance with international humanitarian standards, all persons held in connection with the conflict (hereinafter "prisoners"). In addition, the Parties shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work, in accordance with its mandate, to implement and monitor a plan for the release and transfer of prisoners in accordance with the above deadline. In preparation for compliance with this requirement, the Parties shall:

   a. grant the ICRC full access to all persons, irrespective of their status, who are being held by them in connection with the conflict, for visits in accordance with the ICRC's standard operating procedures;

   b. provide to the ICRC any and all information concerning prisoners, as requested by the ICRC, by EIF + 14 days.

2. The Parties shall provide information, through the tracing mechanisms of the ICRC, to the families of all persons who are unaccounted for. The Parties shall cooperate fully with the ICRC in its efforts to determine the identity, whereabouts, and fate of those unaccounted for.

Article XIII: Cooperation

The Parties shall cooperate fully with all entities involved in implementation of this settlement, as described in the Framework Agreement, or which are otherwise authorized by the United Nations Security Council, including the International Criminal Tribunal for the former Yugoslavia.

Article XIV: Notification to Military Commands

Each Party shall ensure that the terms of this Chapter and written orders requiring compliance are immediately communicated to all of its Forces.

Article XV: Final Authority to Interpret

1. Subject to paragraph 2, the KFOR Commander is the final authority in theater regarding interpretation of this Chapter and his determinations are binding on all Parties and persons.

2. The CIM is the final authority in theater regarding interpretation of the references in this Chapter to his functions (directing the VJ Border Guards under Article II, paragraph 3; his functions concerning the MUP under Article VI) and his determinations are binding on all Parties and persons.

Article XVI: K-Day

The date of activation of KFOR -- to be known as K-Day -- shall be determined by NATO.

Appendices:

A. Approved VJ/MUP Cantonment Sites
B. Status of Multi-National Military Implementation Force

Appendix A: Approved VJ/MUP Cantonment Sites

1. There are 13 approved cantonment sites in Kosovo for all VJ units, weapons, equipment, and ammunition. Movement to cantonment sites, and subsequent withdrawal from Kosovo, will occur in accordance with this Chapter. As the phased withdrawal of VJ units progresses along the timeline as specified in this Chapter, COMKFOR will close selected cantonment sites.

2. Initial approved VJ cantonment sites:

a)	Pristina SW	423913N0210819E
b)	Pristina Airfield	423412N0210040E
c)	Vuctrin North	424936N0205755E
d)	Kosovska Mitrovica	425315N0205227E
e)	Gnjilane NE	422807N0212845E
f)	Urosevac	422233N0210753E
g)	Prizren	421315N0204504E
h)	Djakovica SW	422212N0202530E
i)	Pec	423910N0201728E
j)	Pristina Explosive Storage Fac	423636N0211225E
k)	Pristina Ammo Depot SW	423518N0205923E
l)	Pristina Ammo Depot 510	424211N0211056E
m)	Pristina Headquarters facility	423938N0210934E

3. Within each cantonment site, VJ units are required to canton all heavy weapons and vehicles outside of storage facilities.

4. After EIF + 180 days, the remaining 2500 VJ forces dedicated to border security functions provided for in this Agreement will be garrisoned and cantoned at the following locations: Djakovica, Prizren, and Ursoevac; subordinate border posts within the Border Zone; a limited number of existing facilities in the immediate proximity of the Border Zone subject to the prior approval of COMKFOR; and headquarters/C2 and logistic support facilities in Pristina.

5. There are 37 approved cantonment sites for all MUP and Special Police force units in Kosovo. There are seven (7) approved regional SUPs. Each of the 37 approved cantonment sites will fall under the administrative

control of one of the regional SUPs. Movement to cantonment sites, and subsequent withdrawal of MUP from Kosovo, will occur in accordance with this Chapter.

6. Approved MUP regional SUPs and cantonment sites:

a) Kosovska Mitrovica SUP 425300N0205200E
   1) Kosovska Mitrovica (2 locations)
   2) Leposavic
   3) Srbica
   4) Vucitrn
   5) Zubin Potok

b) Pristina SUP 424000N0211000E
   1) Pristina (6 locations)
   2) Glogovac
   3) Kosovo Polje
   4) Lipjan
   5) Obilic
   6) Podujevo

c) Pec SUP 423900N0201800E
   1) Pec (2 locations)
   2) Klina
   3) Istok
   4) Malisevo

d) Djakovica SUP 422300N0202600E
   1) Djakovica (2 locations)
   2) Decani

e) Urosevac SUP 422200N0211000E
   1) Urosevac (2 locations)
   2) Stimlje
   3) Strpce
   4) Kacanik

f) Gnjilane SUP 422800N0212900E
   1) Gnjilane (2 locations)
   2) Kamenica
   3) Vitina
   4) Kosovska
   5) Novo Brdo

g) Prizren SUP 421300N0204500E
   1) Prizren (2 locations)
   2) Orahovac

3) Suva Reka
4) Gora

7. Within each cantonment site, MUP units are required to canton all vehicles above 6 tons, including APCs and BOVs, and all heavy weapons outside of storage facilities.

8. KFOR will have the exclusive right to inspect any cantonment site or any other location, at any time, without interference from any Party.

Appendix B: Status of Multi-National Military Implementation Force

1. For the purposes of this Appendix, the following expressions shall have the meanings hereunder assigned to them:

   a. "NATO" means the North Atlantic Treaty Organization (NATO), its subsidiary bodies, its military Headquarters, the NATO-led KFOR, and any elements/units forming any part of KFOR or supporting KFOR, whether or not they are from a NATO member country and whether or not they are under NATO or national command and control, when acting in furtherance of this Agreement.

   b. "Authorities in the FRY" means appropriate authorities, whether Federal, Republic, Kosovo or other.

   c. "NATO personnel" means the military, civilian, and contractor personnel assigned or attached to or employed by NATO, including the military, civilian, and contractor personnel from non-NATO states participating in the Operation, with the exception of personnel locally hired.

   d. "the Operation" means the support, implementation, preparation, and participation by NATO and NATO personnel in furtherance of this Chapter.

   e. "Military Headquarters" means any entity, whatever its denomination, consisting of or constituted in part by NATO military personnel established in order to fulfill the Operation.

   f. "Authorities" means the appropriate responsible individual, agency, or organization of the Parties.

   g. "Contractor personnel" means the technical experts or functional specialists whose services are required by NATO and who are in the territory of the FRY exclusively to serve NATO either in an advisory capacity in technical matters, or for the

setting up, operation, or maintenance of equipment, unless they are:

(1) nationals of the FRY; or

(2) persons ordinarily resident in the FRY.

h. "Official use" means any use of goods purchased, or of the services received and intended for the performance of any function as required by the operation of the Headquarters.

i. "Facilities" means all buildings, structures, premises, and land required for conducting the operational, training, and administrative activities by NATO for the Operation as well as for accommodation of NATO personnel.

2. Without prejudice to their privileges and immunities under this Appendix, all NATO personnel shall respect the laws applicable in the FRY, whether Federal, Republic, Kosovo, or other, insofar as compliance with those laws is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

3. The Parties recognize the need for expeditious departure and entry procedures for NATO personnel. Such personnel shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. At all entry and exit points to/from the FRY, NATO personnel shall be permitted to enter/exit the FRY on production of a national identification (ID) card. NATO personnel shall carry identification which they may be requested to produce for the authorities in the FRY, but operations, training, and movement shall not be allowed to be impeded or delayed by such requests.

4. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The Parties shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

5. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport, or facility.

6. a. NATO shall be immune from all legal process, whether civil, administrative, or criminal.

b. NATO personnel, under all circumstances and at all times, shall be immune from the Parties' jurisdiction in respect of any civil, administrative, criminal, or disciplinary offenses which may be committed by them in the FRY. The Parties shall assist States participating in the Operation in the exercise of their jurisdiction over their own nationals.

c. Notwithstanding the above, and with the NATO Commander's express agreement in each case, the authorities in the FRY may exceptionally exercise jurisdiction in such matters, but only in respect of Contractor personnel who are not subject to the jurisdiction of their nation of citizenship.

7. NATO personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY. NATO personnel erroneously arrested or detained shall immediately be turned over to NATO authorities.

8. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.

9. NATO shall be exempt from duties, taxes, and other charges and inspections and custom regulations including providing inventories or other routine customs documentation, for personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting the territory of the FRY in support of the Operation.

10. The authorities in the FRY shall facilitate, on a priority basis and with all appropriate means, all movement of personnel, vehicles, vessels, aircraft, equipment, or supplies, through or in the airspace, ports, airports, or roads used. No charges may be assessed against NATO for air navigation, landing, or takeoff of aircraft, whether government-owned or chartered. Similarly, no duties, dues, tolls or charges may be assessed against NATO ships, whether government-owned or chartered, for the mere entry and exit of ports. Vehicles, vessels, and aircraft used in support of the Operation shall not be subject to licensing or registration requirements, nor commercial insurance.

11. NATO is granted the use of airports, roads, rails, and ports without payment of fees, duties, dues, tolls, or charges occasioned by mere use. NATO shall not, however, claim exemption from reasonable charges for specific services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

12. NATO personnel shall be exempt from taxation by the Parties on the salaries and emoluments received from NATO and on any income received from outside the FRY.

13. NATO personnel and their tangible moveable property imported into, acquired in, or exported from the FRY shall be exempt from all duties, taxes, and other charges and inspections and custom regulations.

14. NATO shall be allowed to import and to export, free of duty, taxes and other charges, such equipment, provisions, and supplies as NATO shall require for the Operation, provided such goods are for the official use of NATO or for sale to NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to unauthorized persons.

15. The Parties recognize that the use of communications channels is necessary for the Operation. NATO shall be allowed to operate its own internal mail services. The Parties shall, upon simple request, grant all telecommunications services, including broadcast services, needed for the Operation, as determined by NATO. This shall include the right to utilize such

means and services as required to assure full ability to communicate, and the right to use all of the electro-magnetic spectrum for this purpose, free of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities in the FRY.

16. The Parties shall provide, free of cost, such public facilities as NATO shall require to prepare for and execute the Operation. The Parties shall assist NATO in obtaining, at the lowest rate, the necessary utilities, such as electricity, water, gas and other resources, as NATO shall require for the Operation.

17. NATO and NATO personnel shall be immune from claims of any sort which arise out of activities in pursuance of the Operation; however, NATO will entertain claims on an *ex gratia* basis.

18. NATO shall be allowed to contract directly for the acquisition of goods, services, and construction from any source within and outside the FRY. Such contracts, goods, services, and construction shall not be subject to the payment of duties, taxes, or other charges. NATO may also carry out construction works with their own personnel.

19. Commercial undertakings operating in the FRY only in the service of NATO shall be exempt from local laws and regulations with respect to the terms and conditions of their employment and licensing and registration of employees, businesses, and corporations.

20. NATO may hire local personnel who on an individual basis shall remain subject to local laws and regulations with the exception of labor/employment laws. However, local personnel hired by NATO shall:

    a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
    b. be immune from national services and/or national military service obligations;
    c. be subject only to employment terms and conditions established by NATO; and

d. be exempt from taxation on the salaries and emoluments paid to them by NATO.

21. In carrying out its authorities under this Chapter, NATO is authorized to detain individuals and, as quickly as possible, turn them over to appropriate officials.

22. NATO may, in the conduct of the Operation, have need to make improvements or modifications to certain infrastructure in the FRY, such as roads, bridges, tunnels, buildings, and utility systems. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the infrastructure returned to as near its original condition as possible, fair wear and tear excepted.

23. Failing any prior settlement, disputes with the regard to the interpretation or application of this Appendix shall be settled between NATO and the appropriate authorities in the FRY.

24. Supplementary arrangements with any of the Parties may be concluded to facilitate any details connected with the Operation.

25. The provisions of this Appendix shall remain in force until completion of the Operation or as the Parties and NATO otherwise agree.

Chapter 8

Amendment, Comprehensive Assessment, and Final Clauses

Article I: Amendment and Comprehensive Assessment

1. Amendments to this Agreement shall be adopted by agreement of all the Parties, except as otherwise provided by Article X of Chapter 1.

2. Each Party may propose amendments at any time and will consider and consult with the other Parties with regard to proposed amendments.

3. Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures.

Article II: Final Clauses

1. This Agreement is signed in the English language. After signature of this Agreement, translations will be made into Serbian, Albanian, and other languages of the national communities of Kosovo, and attached to the English text.

2. This Agreement shall enter into force upon signature.

DONE at Paris on the date noted below.

FOR

FOR

FOR 18.03.1999

Federal Republic of Yugoslavia

Republic of Serbia

Kosovo

Witnessed by: